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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Robert H. Frantz
P.O. Box 23324
Oklahoma City, OK 73123-2334

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SEP 12 2005

In re Application of :
JANAKIRAMAN, et al. : DECISION ON PETITION
Application No. 09/944,518 :
Filed: August 31, 2001 :
Docket No.: AUS920010653US1 :

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.137(a), filed August 16, 2005, to revive the above-identified application. This matter is being jointly considered under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

This application was held abandoned March 16, 2005 for failure to timely file a proper reply to the non-final Office action mailed December 15, 2004. The Notice set a three (3) month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136 were timely requested. Notice of Abandonment was mailed July 11, 2005.

DECISION UNDER 37 CFR 1.181

Petitioner states that a response to the non-final Office action was submitted via facsimile on January 14, 2005 in accordance with the Certificate of Transmission procedures outlined at 37 CFR 1.8. Petitioner has included a copy of the response filed in response to the non-final Office which bears a certificate of transmission in accordance with 37 CFR 1.8.

A review of the application file does not indicate receipt of the response purportedly filed January 14, 2005, however, the response will be considered timely as it complies with the requirements of 37 CFR 1.8(b) in that (1) the Office was promptly informed of the previous timely mailing, (2) a copy of the previously submitted correspondence with certificate of transmission thereon has been supplied, and (3) statements attesting to the previous timely transmission have been submitted.

In view of the evidence presented by petitioner, the Notice of Abandonment in the above-referenced application is hereby vacated and the holding of abandonment withdrawn. Accordingly, the response

to the non-final Office action will be accepted as having been timely filed.

In view of the evidence presented, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby GRANTED.

DECISION UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

In view of the withdrawal of abandonment, the petition to revive under 37 CFR 1.137(a) is hereby DISMISSED AS MOOT.

Petitioner is entitled to a refund of the previously submitted \$500.00 petition fee and may request a refund by writing to the Finance Office, Refund Branch. A copy of this decision should accompany any request for refund.

The application file is being forwarded to Technology Center 3600 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions